

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-006316

03/01/2006

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski/J. McQueen
Deputy

FILED: 03/07/2006

FRANK HADLEY SR., et al.

JEFFREY I OSTREICHER

v.

MESA CITY, et al.

WILLIAM H DOYLE

ARTHUR ZARAGOZA
RICHARD B ARROTTA

TRIAL MINUTE ENTRY
DAY 2

Prior to the commencement of Trial, the depositions of Marjorie Eskay-Auerbach, M.D., dated 1-12-06, John T. Beck, Ph.D., dated 10-04-05, Stephen G. Brown, M.D., dated 9-26-05, Steven K. Wilcox, dated 10-05-04, Steven K. Wilcox, dated 10-12-04, Paul Ollerton, dated 11-01-05, Paul Ollerton, dated 12-16-03, Douglas Lee Tessendorf, dated 12-16-03, Stephen G. Brown, M.D., dated 11-22-05, Christine Zielonka, dated 11-23-04, Benjamin M. Herman, Ph.D., dated 7-14-05, C. David Marsh, dated 7-14-05, Scot Rigby, dated 7-19-05, Tom Mitchell, Jr., dated 10-08-03, Douglas Tessendorf, dated 6-28-05, and Jack Conovaloff, dated 8-05-04 are filed.

9:42 a.m. Trial to a Jury continues from February 28, 2006. Plaintiff Teresa Arias is present and represented by counsel, Richard B. Arrotta. Plaintiffs Frank Hadley, Sr. and Franklin Hadley are present and represented by counsel, Jeffrey I. Ostreicher. Plaintiff Dora Romero is present and represented by counsel, Arthur Zaragoza. Defendant Bar U7 Farms' representative, Paul Ollerton and Defendant City of Mesa's representatives, Doug Tessendorf and Mark Ishikawa are present and represented by counsel, William H. Doyle and Gary Popham.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is present.

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Preliminary Jury Instructions are read.

Opening statements are presented.

11:10 a.m. Court stands at recess.

11:24 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is not present.

Defendants move for mistrial based upon Plaintiffs' opening statements.

IT IS ORDERED denying Defendants' Motion for Mistrial.

11:35 a.m. The Jury is now present.

Opening statements continue.

12:27 p.m. Court stands at recess.

1:58 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is present.

Plaintiffs' case:

Jack Conovaloff is sworn and testifies.

Plaintiffs' exhibit number 2 is received in evidence.

Plaintiffs' exhibit number 26 is received in evidence.

Plaintiffs' exhibit number 4 is received in evidence.

3:13 p.m. Court stands at recess.

3:31 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

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The Jury is not present.

Discussion is held regarding Plaintiffs' exhibit number 6.

IT IS ORDERED that at this point in time, Plaintiffs' exhibit number 6 should not be used and additional foundation need not be laid.

The Rule of Exclusion of Witnesses is invoked.

3:49 p.m. The Jury is present.

Jack Conovaloff resumes the stand and testifies further.

Defendants' exhibit number 152 is received in evidence, subject to proper redactions being made.

4:32 p.m. Court stands at recess until 9:30 a.m. on March 2, 2006.

FILED: Preliminary Jury Instructions.